

Robert S. Westermann (VSB No. 43294)
Brittany B. Falabella (VSB No. 80131)
HIRSCHLER FLEISCHER, P.C.
The Edgeworth Building
2100 East Cary Street
Post Office Box 500
Richmond, Virginia 23218-0500
Telephone: 804.771.9500
Facsimile: 804.644.0957
E-mail: rwestermann@hirschlerlaw.com
bfalabella@hirschlerlaw.com

David I. Swan (VSB No. 75632)
Allison P. Klena (VSB No. 96400)
HIRSCHLER FLEISCHER, P.C.
1676 International Drive, Suite 1350
Tysons, Virginia 22102
Telephone: 703.584.8900
Facsimile: 703.584.8901
E-mail: dswan@hirschlerlaw.com
aklena@hirschlerlaw.com

*Counsel for Richard Arrowsmith, Liquidating
Trustee of the HDL Liquidating Trust*

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

In re:

**HEALTH DIAGNOSTIC LABORATORY,
INC., *et al.*,**

Debtors.¹

Chapter 11

Case No.: 15-32919-KRH

Jointly Administered

**PROPOSED AGENDA FOR HEARINGS SCHEDULED FOR
FEBRUARY 20, 2024 AT 1:00 P.M. (PREVAILING EASTERN TIME)**

I. STATUS UPDATES

1. Richard Arrowsmith as Liquidating Trustee of the HDL Liquidating Trust v. LaTonya S. Mallory, *et al.*, Adversary Proceeding Case No. 16-03271 (the “**D&O Action**”) and related matters.

2. In re Blue Eagle Farming, LLC, *et al.*, Case No. 18-02395-TOM11 (Bankr. N.D. Ala.) (the “**Johnson Bankruptcy Proceeding**”) and related matters.

II. MATTERS GOING FORWARD IN RELATED ADVERSARY PROCEEDINGS

3. Arrowsmith v. Christian Life Assembly of Columbia, South Carolina, Inc. d/b/a Christian Life Church and South Carolina School of Leadership, Adversary Proceeding Case No. 22-03020-KRH – Final Pretrial Conference

¹ The Debtors in these cases, along with the last four digits of each Debtor’s federal tax identification number, are: Health Diagnostic Laboratory, Inc. (0119), Central Medical Laboratory, LLC (2728), and Integrated Health Leaders, LLC (2434).

Related Documents:

- (a) Pretrial Discovery Scheduling Order [Docket No. 20]
- (b) Stipulation and Agreed Order [Docket No. 27];
- (c) Liquidating Trustee's Final Pretrial Disclosures [Docket No. 54]
- (d) Liquidating Trustee's Proposed Stipulated Facts [Docket No. 55]

Response:

None

Status:

This matter is going forward.

4. Arrowsmith v. Lake Murray Baptist Church, Adversary Proceeding Case No. 22-03036-KRH – Final Pretrial Conference

Related Documents:

- (a) Pretrial Discovery Scheduling Order [Docket No. 20]
- (b) Stipulation and Agreed Order [Docket No. 27];
- (c) Liquidating Trustee's Final Pretrial Disclosures [Docket No. 55]
- (d) Liquidating Trustee's Proposed Stipulated Facts [Docket No. 56]

Response:

None

Status:

This matter is going forward.

III. ADJOURNED MATTERS IN RELATED ADVERSARY PROCEEDINGS

5. In re Richard Arrowsmith as Liquidating Trustee v. GeneNews(USA), Inc. now known as StageZero Life Sciences, Ltd., Case No. 23-03035—Motion for Issuance of Altered Form of Alias Summons and Stay of Deadlines Set Forth in the Initial Scheduling Order [Docket No. 4] and Notice of Motion for Issuance of Altered Form of Alias Summons and Stay of Deadlines Set forth in the Initial Scheduling Order [Docket No. 5]

Related Documents:

(a) Complaint [Docket No. 1]

(b) Summons and Notice [Docket No. 2]

Response:

None

Status:

No objections to the Motion were filed and an order granting the relief was submitted to the Court for entry. To the extent the Court has questions, the Liquidating Trustee requests that this matter be adjourned to the Omnibus Hearing scheduled for March 26, 2024 at 1:00 p.m. (Prevailing Eastern Time).

6. Richard Arrowsmith as Liquidating Trustee of the HDL Liquidating Trust v. Cornerstone Revival Center - Adversary Proceeding Case No. 21-03111– Liquidating Trustee’s Motion for Summary Judgment and Opening Memorandum in Support Thereof [Docket No. 16] and Notice thereof [Docket No. 19]

Related Documents:

(a) Motion for Authority to File Documents Under Seal to the Motion for Summary Judgment [Docket No. 17]

(b) Notice of Motion to Seal [Docket No. 20]

(c) Liquidating Trustee’s Reply in Further Support of Motion for Summary Judgment [Docket No. 25]

(d) Amended Notice of Hearing on Motion for Summary Judgment [Docket No. 26]

Response:

(a) Defendant’s Response in Opposition to Motion for Summary Judgment [Docket No. 21] and Affidavits in Support [Docket Nos. 22-24]

Status:

This matter has been resolved, but the Liquidating Trustee requests that this matter be adjourned to the Omnibus Hearing scheduled for March 26, 2024 at 1:00 p.m. (Prevailing Eastern Time) to allow time to carry out the terms of the agreement.

7. Richard Arrowsmith as Liquidating Trustee of the HDL Liquidating Trust v. Calvary Missionary Baptist Church - Adversary Proceeding Case No. 21-03138– Liquidating Trustee’s Motion for Summary Judgment and Opening Memorandum in Support Thereof [Docket No. 19] and Notice thereof [Docket No. 23]

Related Documents:

(a) Motion for Authority to File Documents Under Seal to the Motion for Summary Judgment [Docket No. 20]

(b) Notice of Motion to Seal [Docket No. 22]

(c) Amended Notice of Hearing on Motion for Summary Judgment [Docket No. 27]

Response:

(d) Defendant's Response in Opposition to Motion for Summary Judgment [Docket No. 24] and Affidavits in Support [Docket Nos. 25-26]

Status:

This matter has been resolved, but the Liquidating Trustee requests that this matter be adjourned to the Omnibus Hearing scheduled for March 26, 2024 at 1:00 p.m. (Prevailing Eastern Time) to allow time to carry out the terms of the agreement.

8. Richard Arrowsmith as Liquidating Trustee of the HDL Liquidating Trust v. St. Andrews United Methodist Church Foundation, Inc. d/b/a St. Andrews United Methodist Church - Adversary Proceeding Case No. 22-03025– Liquidating Trustee's Motion for Summary Judgment and Opening Memorandum in Support Thereof [Docket No. 16] and Notice thereof [Docket No. 19]

Related Documents:

(a) Motion for Authority to File Documents Under Seal to the Motion for Summary Judgment [Docket No. 17]

(b) Notice of Motion to Seal [Docket No. 20]

(c) Amended Notice of Hearing on Motion for Summary Judgment [Docket No. 24]

Response:

(d) Defendant's Response in Opposition to Motion for Summary Judgment [Docket No. 21] and Affidavits in Support [Docket Nos. 22-23]

Status:

This matter has been resolved, but the Liquidating Trustee requests that this matter be adjourned to the Omnibus Hearing scheduled for March 26, 2024 at 1:00 p.m. (Prevailing Eastern Time) to allow time to carry out the terms of the agreement.

9. Richard Arrowsmith as Liquidating Trustee of the HDL Liquidating Trust v. National Humane Society - Adversary Proceeding Case No. 22-03083-KRH – Motion for Entry of Default and Default Judgment [Docket No. 5] and Notice Thereof [Docket No. 6]

Related Documents:

(a) Complaint [Docket No. 1]

(b) Certificate of Service [Docket No. 4]

Response:

None.

Status:

The Liquidating Trustee has resolved this matter and requests that this matter be adjourned to the Omnibus Hearing scheduled for March 26, 2024 at 1:00 p.m. (Prevailing Eastern Time) to allow time to carry out the terms of the agreement.

10. Richard Arrowsmith as Liquidating Trustee of the HDL Liquidating Trust v. Floyd Calhoun Dent, III - Adversary Proceeding Case No. 22-03033– Motion for Summary Judgment and Memorandum in Support [Docket No. 9] and Notice thereof [Docket No. 10]

Related Documents:

(a) Motion for Authority to File Under Seal Exhibit G to the Motion for Summary Judgment [Docket No. 11]

(b) Notice of Motion to Seal [Docket No. 12]

(c) Reply Memorandum in Support of Motion for Summary Judgment filed by the Liquidating Trustee [Docket No. 15]

Response:

(a) Objection of Defendant Floyd Calhoun Dent, III to the Liquidating Trustee's Motion for Summary Judgment [Docket No. 14]

Status:

The Liquidating Trustee requests that this matter be adjourned to the Omnibus Hearing scheduled for March 26, 2024 at 1:00 p.m. (Prevailing Eastern Time).

IV. ADJOURNED GARNISHMENTS

11. Richard Arrowsmith as Liquidating Trustee of the HDL Liquidating Trust v. Uchenna Christopher Ogbuokiri - Adversary Proceeding Case No. 17-03762

11.1 Garnishment Summons re: Judgment against Uchenna Christopher Ogbuokiri [Docket Item No. 40] (the “**Ogbuokiri Garnishment**”)

Related Documents:

(a) Suggestion for Summons in Garnishment to Together Credit Union [Docket No. 39]

(b) Order Granting Default Judgment [Docket No. 13]

(c) Writ of Execution [Docket No. 41]

(d) Certificate of Service [Docket No. 43]

Response:

To date, an Answer has not yet been received from Together Credit Union.

Status:

The Liquidating Trustee requests that this matter be adjourned to the Omnibus Hearing scheduled for March 26, 2024 at 1:00 p.m. (Prevailing Eastern Time) to allow time for the Bank to issue an Answer.

12. Richard Arrowsmith as Liquidating Trustee of the HDL Liquidating Trust v. Thomas H. Kanegae, M.D, A Medical Corporation, et al. - Adversary Proceeding Case No. 17-03338

12.1 Garnishment Summons re: Judgment against Thomas H. Kanegae, A Medical Corporation [Docket Item No. 16] (the “**Kanegae MD Garnishment**”)

Related Documents:

(a) Suggestion for Summons in Garnishment to U.S. Bank National Association [Docket No. 15]

(b) Order Granting Default Judgment [Docket No. 9]

(c) Writ of Execution [Docket No. 17]

(d) Certificate of Service [Docket No. 20]

Response:

To date, an Answer has not yet been received from U.S. Bank.

Status:

The Liquidating Trustee requests that this matter be adjourned to the Omnibus Hearing scheduled for March 26, 2024 at 1:00 p.m. (Prevailing Eastern Time) to allow time for the Bank to issue an Answer.

12.2 Garnishment Summons re: Judgment against Thomas H. Kanegae [Docket Item No. 13] (the “**Kanegae Garnishment**”)

Related Documents:

(a) Suggestion for Summons in Garnishment to U.S. Bank National Association [Docket No. 12]

(b) Order Granting Default Judgment [Docket No. 9]

(c) Writ of Execution [Docket No. 14]

(d) Certificate of Service [Docket No. 19]

Response:

U.S. Bank filed an Answer [Docket No. 25] stating no accounts found.

Status:

The Liquidating Trustee requests that this matter be adjourned to the Omnibus Hearing scheduled for March 26, 2024 at 1:00 p.m. (Prevailing Eastern Time) to allow time for the Bank to issue an Answer as to the practice in the above-associated matter.

V. ADJOURNED MATTERS IN LEAD CASE

13. Tenth Omnibus Objection to Certain (A) 502(d), (B) No Liability Claims, and (C) Unsupported Claim [Docket No. 5097] (the “**Tenth Omnibus Objection**”)

Related Documents:

(a) Notice of Motion and Hearing [Docket No. 5098]

Response Deadline: April 27, 2021 at 4:00 p.m. (Prevailing Eastern Time).

Status:

The Tenth Omnibus Objection was granted in accordance with the Order Sustaining Tenth Omnibus Objection as to the No Liability Claims [Docket No. 5180]. An Order has been submitted to the Court on the Unsupported Claim [Docket No. 5197]. The Liquidating Trustee requests that the hearing as to the 502(d) Claims be adjourned to the Omnibus Hearing scheduled for March 26, 2024 at 1:00 p.m. (Prevailing Eastern Time).

Dated: February 16, 2024

Respectfully submitted,

/s/ Brittany B. Falabella

Robert S. Westermann (VSB No. 43294)

Brittany B. Falabella (VSB No. 80131)

HIRSCHLER FLEISCHER, P.C.

The Edgeworth Building

2100 East Cary Street

Post Office Box 500

Richmond, Virginia 23218-0500

Telephone: 804.771.9515

Facsimile: 804.644.0957

E-mail: rwestermann@hirschlerlaw.com

bfalabella@hirschlerlaw.com

David I. Swan (VSB No. 75632)

Allison P. Klena (VSB No. 96400)

HIRSCHLER FLEISCHER, P.C.

1676 International Drive, Suite 1350

Tysons, Virginia 22102

Telephone: 703.584.8900

Facsimile: 703.584.8901

E-mail: dswan@hirschlerlaw.com

aklena@hirschlerlaw.com

Counsel for Richard Arrowsmith,

Liquidating Trustee of the HDL Liquidating Trust